

REDACTED COPY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED

DEC 13 2017

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY DEPUTY

UNITED STATES OF AMERICA

§ Cause No.

§

§

INDICTMENT

§

v.

§

[VIO: COUNT ONE: 18 U.S.C. §

§

2422(b), Enticement of a Minor,

§

HUGO REFUGIO ROSAS

§

COUNT TWO: 18 U.S.C. 2252A(a)(2)

§

& (b), Receipt of Child Pornography

§

COUNT THREE: 18 U.S.C. §

§

2252A(a)(5) & (b), Access of Child

§

Pornography with Intent to View

THE GRAND JURY CHARGES:

DR 17 CR 1450

COUNT ONE

[18 U.S.C. § 2422(b)]

From on or about March 30, 2017 through on or about October 24, 2017, in the Western District of Texas, Defendant,

HUGO REFUGIO ROSAS,

using a facility and means of interstate and foreign commerce, did knowingly persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in prostitution and sexual activity for which any person can be charged with a criminal offense, and did attempt to do so, in violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

[18 U.S.C. § 2252A(a)(2) & (b)]

On or about September 16, 2017 in the Western District of Texas, Defendant

HUGO REFUGIO ROSAS

did knowingly receive material which contains child pornography, as defined in Title 18 United States Code, Section 2256(8), that has been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2) & (b).

COUNT THREE

[18 U.S.C. § 2252A(a)(5) & (b)]

On or about September 16, 2017 in the Western District of Texas, Defendant,

HUGO REFUGIO ROSAS,

did knowingly access with intent to view material which contains child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce and in or affecting interstate or foreign commerce by any means, including by computer, and which was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer, in violation of Title 18, United States Code 2252A(a)(5) & (b).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

See Fed. R. Crim. P. 32.2

This Notice of Demand for Forfeiture includes, but is not limited to, the property described below in Paragraph III.

I.

Sexual Coercion and Enticement Violations and Forfeiture Statute

[Title 18 U.S.C. § 2422(b),

subject to forfeiture pursuant to Title 18 U.S.C. § 2428(a).]

As a result of the foregoing criminal violation set forth in Count One, the United States of America gives notice to Defendant HUGO REFUGIO ROSAS of its intent to seek the forfeiture

of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18, United States Code, Section 2428(a), which states:

Title 18 U.S.C. § 2428. Forfeitures

(a) **In general.**—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

- (1) Such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
- (2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

II.

Sexual Exploitation Violations and Forfeiture Statute

**[Title 18 U.S.C. §§ 2252A(a)(2), (a)(5), and (b),
subject to forfeiture pursuant to Title 18 U.S.C. § 2253(a).]**

As a result of the foregoing criminal violation set forth in Counts Two and Three, the United States of America gives notice to Defendant HUGO REFUGIO ROSAS of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18, United States Code, Section 2253(a), which states:

Title 18 U.S.C. § 2253. Criminal forfeiture

(a) **Property subject to criminal forfeiture.**—A person who is convicted of an offense under this chapter involving a visual depiction described in section . . . 2252A . . . of this chapter . . . shall forfeit to the United States such person's interest in—

- (1) any visual depiction described in section . . . 2252A . . . of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

III.
Properties

1. **iPhone 6s Plus, Model A1634, FCC ID: BCG-E2944A, IC: 579C-E2944A**

A TRUE BILL.

~~FOREPERSON~~

JOHN F. BASH
United States Attorney

By: 
SHANE A. CHRISMAN
Assistant United States Attorney

UNSEALED: XX

**PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

COUNTY: MAVERICK

USAO #: 2017R08069

DATE: DECEMBER 13, 2017

MAG. CT. #: DR-17-M-6386

AUSA: SHANE A. CHRISMAN

DR 17 CR 1450

DEFENDANT: HUGO REFUGIO ROSAS

CITIZENSHIP: U.S.A.

INTERPRETER NEEDED: NO

LANGUAGE: ENGLISH

DEFENSE ATTORNEY: JORGE ARISTOTELIDIS

ADDRESS OF ATTORNEY: TOWER LIFE BUILDING, 310 SOUTH ST. MARY'S ST.,
SUITE 1910, SAN ANTONIO, TX 78205

DEFENDANT IS: DETAINED

DATE OF ARREST: NOVEMBER 13, 2017

BENCH WARRANT NEEDED: NO

PROBATION OFFICER: N/A

NAME AND ADDRESS OF SURETY: N/A

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: INDICTMENT

OFFENSE: (Code & Description): COUNT I – 18 U.S.C. § 2422(b), ENTICEMENT OF A
MINOR; COUNT II: 18 U.S.C. § 2252A(a)(2) & (b) COUNT III - 18 U.S.C. § 2252(a)(5)(B) &
(2), ACCESS OF CHILD PORNOGRAPHY WITH INTENT TO VIEW;

OFFENSE IS: FELONY

MAXIMUM SENTENCE: COUNT I: NOT LESS THAN 10 YEARS TO LIFE
IMPRISONMENT; COUNT II: NOT LESS THAN 5 YEARS TO 20 YEARS IMPRISONMENT;
COUNT III: 10 YEARS IMPRISONMENT; ALL COUNTS: \$250,000 FINE, LIFETIME
SUPERVISED RELEASE, \$100 SPECIAL ASSESSMENT

PENALTY IS MANDATORY: YES & NO

REMARKS: See above

W/DT-CR-3